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6 Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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11 In the Matter of the Accusation)	Case No. 11-92-23894
Against:)	
12)	OAH No. L-9506132
13 MARTIN SAIWONG MOK, M.D.)	
P.O.Box 2096)	STIPULATED SETTLEMENT
14 Arcadia, CA 91077)	AND DECISION
15 Physician's and Surgeon's)	
Certificate No. A23360)	
16 Respondent.)	

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18 In the interest of a prompt and speedy settlement of
19 this matter, consistent with the public interest and the
20 responsibility of the Medical Board of California, Department of
21 Consumer Affairs ("Board"), the parties hereby agree to the
22 following Stipulated Settlement and Decision which will be
23 submitted to the Board for its approval and adoption as the final
24 disposition of the Accusation.

25

PARTIES

26 1. Complainant Ron Joseph is the Executive Director
27 of the Medical Board of California, and successor to Dixon

1 Arnett, who brought this action solely in his official capacity.
2 Complainant is represented in this matter by Daniel E. Lungren,
3 Attorney General of the State of California, by Sanford Feldman,
4 Deputy Attorney General.

5 2. Respondent Martin Saiwong Mok, M.D. ("respondent")
6 is represented in this matter by attorney Darrell Clendenen,
7 whose address is 1215 Pomona Road, Suite A, Corona, CA 91720.

8 3. At all times relevant herein, respondent has been
9 licensed by the Medical Board of California under Physician's and
10 Surgeon's Certificate No. A23360.

11 JURISDICTION

12 4. Accusation No. 11-92-23894, was filed before the
13 Board and is currently pending against respondent. The
14 Accusation, together with all other statutorily required
15 documents, was duly served on the respondent on May 15, 1995, and
16 respondent timely filed his Notice of Defense (contesting the
17 Accusation). A copy of Accusation No. 11-92-23894 is attached as
18 an Exhibit and incorporated herein by reference.

19 ADVISEMENT AND WAIVERS

20 5. Respondent has fully and completely discussed with
21 his counsel the nature of the charges alleged in the Accusation
22 and the effects of this stipulation.

23 6. Respondent understands that the charges and
24 allegations in the Accusation, if proven at a hearing, constitute
25 cause for imposing discipline upon his Physician's and Surgeon's
26 Certificate. Respondent is fully aware of his legal rights and
27 that, but for this Stipulation, he would be entitled: 1) to a

1 hearing on the charges and allegations in the Accusation; 2) to
2 be represented by counsel, at his own expense, in all proceedings
3 in this matter; 3) to confront and cross-examine the witnesses
4 against him; 4) to present evidence on his own behalf and to the
5 issuance of subpoenas to compel the attendance of witnesses and
6 the production of documents; 5) to reconsideration and appeal of
7 an adverse decision; and, 6) all other rights accorded pursuant
8 to the California Administrative Procedure Act and other
9 applicable laws.

10 7. With these rights in mind, respondent freely,
11 voluntarily, knowingly and intelligently waives and gives up each
12 and every right set forth above.

13 CULPABILITY

14 8. For the purpose of resolving Accusation No.
15 11-92-23894 without the expense and uncertainty of further
16 proceedings, respondent agrees that, at a hearing, complainant
17 could establish a factual basis for the charges in the
18 Accusation, and that respondent, without admitting culpability,
19 hereby gives up his right to contest those charges.

20 9. Respondent agrees that his license is subject to
21 discipline pursuant to section 2234 of the Code. Respondent
22 agrees to be bound by the Board's imposition of discipline as set
23 forth in the Order below.

24 CIRCUMSTANCES IN MITIGATION

25 10. Respondent Martin Saiwong Mok, M.D. has practiced
26 medicine in California for 26 years and never before been the
27 subject of any disciplinary action.

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1 insurance carrier where malpractice insurance coverage is
2 extended to respondent.

3 1. ACTUAL SUSPENSION As part of probation, respondent
4 is suspended from the practice of medicine for sixty (60) days
5 beginning the sixteenth (16th) day after the effective date of
6 this decision.

7 2. COMMUNITY SERVICE - FREE SERVICES Within sixty (60)
8 days of the effective date of this decision, respondent shall
9 submit to the Division or its designee for its prior approval a
10 community service program in which respondent shall provide free
11 non-medical services on a regular basis to a community or
12 charitable facility or agency for at least eight (8) hours a
13 month for the first twenty-four months of probation.

14 3. EDUCATION COURSE Within ninety (90) days of the
15 effective date of this decision, and on an annual basis
16 thereafter, respondent shall submit to the Division or its
17 designee for its prior approval an educational program or course
18 to be designated by the Division, which shall not be less than 40
19 hours per year, for each year of probation. This program shall
20 be in addition to the Continuing Medical Education requirements
21 for re-licensure. Following the completion of each course, the
22 Division or its designee may administer an examination to test
23 respondent's knowledge of the course. Respondent shall provide
24 proof of attendance for 65 hours of continuing medical education
25 of which 40 hours were in satisfaction of this condition and were
26 approved in advance by the Division or its designee.

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1 4. CLINICAL TRAINING PROGRAM Within ninety (90) days
2 of the effective date of this decision, respondent shall submit
3 to the Division or its designee for prior approval, a clinical
4 training or educational program in the use of the Medtronic
5 infusion pump. The exact number of hours and specific content of
6 the program shall be determined by the Division or its designee.
7 Respondent shall successfully complete the training program and
8 may be required to pass an examination administered by the
9 Division or its designee related to the program's contents.

10 5. ORAL CLINICAL OR WRITTEN EXAM Respondent shall take
11 and pass an oral clinical exam in pain management administered by
12 the Division, or its designee. This examination shall be taken
13 within ninety (90) days after the effective date of this
14 decision. If respondent fails the first examination, respondent
15 shall be allowed to take and pass a second examination, which may
16 consist of a written as well as an oral examination. The waiting
17 period between the first and second examinations shall be at
18 least three (3) months. If respondent fails to pass the first
19 and second examination, respondent may take a third and final
20 examination after waiting a period of one (1) year. Failure to
21 pass the oral clinical examination within eighteen (18) months
22 after the effective date of this decision shall constitute a
23 violation of probation. The respondent shall pay the costs of
24 these examinations within ninety (90) days of the administration
25 of each exam. Failure to pay these costs shall constitute a
26 violation of probation.

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1 If respondent fails the first examination, respondent
2 shall be suspended from the practice of medicine until a repeat
3 examination has been successfully passed, as evidenced by written
4 notice to respondent from the Division or its designee.

5 6. OBEY ALL LAWS Respondent shall obey all federal,
6 state and local laws, all rules governing the practice of
7 medicine in California, and remain in full compliance with any
8 court ordered criminal probation, payments and other orders.

9 7. QUARTERLY REPORTS Respondent shall submit
10 quarterly declarations under penalty of perjury on forms provided
11 by the Division, stating whether there has been compliance with
12 all the conditions of probation.

13 8. PROBATION SURVEILLANCE PROGRAM COMPLIANCE
14 Respondent shall comply with the Division's probation
15 surveillance program. Respondent shall, at all times, keep the
16 Division informed of his addresses of business and residence
17 which shall both serve as addresses of record. Changes of such
18 addresses shall be immediately communicated in writing to the
19 Division. Under no circumstances shall a post office box serve
20 as an address of record.

21 Respondent shall also immediately inform the Division,
22 in writing, of any travel to any areas outside the jurisdiction
23 of California which lasts, or is contemplated to last, more than
24 thirty (30) days.

25 9. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
26 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for
27 interviews with the Division, its designee or its designated

1 physician(s) upon request at various intervals and with
2 reasonable notice.

3 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE
4 NON-PRACTICE In the event respondent should leave California to
5 reside or to practice outside the State or for any reason should
6 respondent stop practicing medicine in California, respondent
7 shall notify the Division or its designee in writing within ten
8 (10) days of the dates of departure and return or the dates of
9 non-practice within California. Non-practice is defined as any
10 period of time exceeding thirty days in which respondent is not
11 engaging in any activities defined in Sections 2051 and 2052 of
12 the Business and Professions Code. All time spent in an
13 intensive training program approved by the Division or its
14 designee shall be considered as time spent in the practice of
15 medicine. Periods of temporary or permanent residence or
16 practice outside California or of non-practice within California,
17 as defined in this condition, will not apply to the reduction of
18 the probationary period.

19 11. COMPLETION OF PROBATION Upon successful completion
20 of probation, respondent's certificate shall be fully restored.

21 12. VIOLATION OF PROBATION If respondent violates
22 probation in any respect, the Division, after giving respondent
23 notice and the opportunity to be heard, may revoke probation and
24 carry out the disciplinary order that was stayed. If an
25 accusation or petition to revoke probation is filed against
26 respondent during probation, the Division shall have continuing
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1 jurisdiction until the matter is final, and the period of
2 probation shall be extended until the matter is final.

3 13. COST RECOVERY The respondent is hereby ordered to
4 reimburse the Division the amount of \$7,000.00 for its
5 investigative and prosecution costs. Said sum shall be paid in
6 four installments. The first installment shall be in the amount
7 of \$1,000.00 and shall be paid within ninety (30) days of the
8 effective date of this decision. The remaining installments
9 shall be in the amount of \$2,000.00 each and shall be paid,
10 respectively, within 120, 240 and 360 days of the effective date
11 of this decision. Failure to reimburse the Division's cost of
12 investigation and prosecution shall constitute a violation of the
13 probation order, unless the Division agrees in writing to payment
14 by an installment plan because of financial hardship. The filing
15 of bankruptcy by the respondent shall not relieve the respondent
16 of his responsibility to reimburse the Division for its
17 investigative and prosecution costs.

18 14. PROBATION COSTS Respondent shall pay the costs
19 associated with probation monitoring each and every year of
20 probation, which are currently set at \$2,304, but may be adjusted
21 on an annual basis. Such costs shall be payable to the Division
22 of Medical Quality and delivered to the designated probation
23 surveillance monitor at the beginning of each calendar year.
24 Failure to pay costs within 30 days of the due date shall
25 constitute a violation of probation.


26 15. LICENSE SURRENDER Following the effective date of
27 this decision, if respondent ceases practicing due to retirement,

1 health reasons or is otherwise unable to satisfy the terms and
2 conditions of probation, respondent may voluntarily tender his
3 certificate to the Board. The Division reserves the right to
4 evaluate the respondent's request and to exercise its discretion
5 whether to grant the request, or to take any other action deemed
6 appropriate and reasonable under the circumstances. Upon formal
7 acceptance of the tendered license, respondent will not longer be
8 subject to the terms and conditions of probation.

9
ACCEPTANCE

10 I have carefully read the above Stipulated Settlement
11 and Decision. I understand the effect this stipulation will have
12 on my Physician's and Surgeon's Certificate and agree to be bound
13 thereby. I enter into this Stipulated Settlement and Decision
14 knowingly, voluntarily, freely and intelligently.

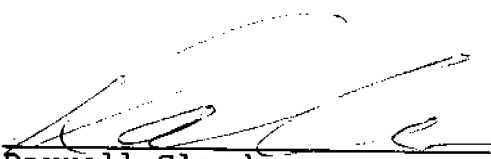
15 DATED: Feb 23, 1996.
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19 Martin Saiwong Mok, M.D.
Respondent

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1 I have fully discussed with respondent Martin Saiwong
2 Mok, M.D. the terms and conditions and other matters contained in
3 the above Stipulated Settlement and Decision and approve its form
4 and content.

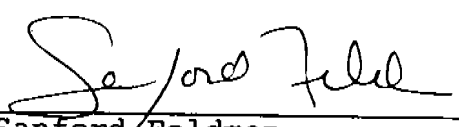
5 DATED: February 26, 1996.

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9 Darrell Clendenen
Attorney for Respondent

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11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Decision is
13 hereby respectfully submitted for consideration of the Medical
14 Board of California, Department of Consumer Affairs.


15 DATED: 2-29-96.

16 DANIEL E. LUNGREN, Attorney General
17 of the State of California
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19 Sanford Feldman
20 Deputy Attorney General
21 Attorneys for Complainant
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1 **DECISION AND ORDER**
2 **OF THE**
3 **MEDICAL BOARD OF CALIFORNIA**

4 The foregoing Disciplinary Order, in Accusation case
5 No. 11-92-23894, is hereby adopted as the Decision and Order of
6 the Medical Board of California, Department of Consumer Affairs.
7 An effective date of May 3, 1996, has been assigned to
8 this Decision and Order.

9 Made this 3rd day of April, 1996.

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12 **ANABEL ANDERSON IMBERT, President**
13 **FOR THE MEDICAL BOARD OF CALIFORNIA**
14 **Division of Medical Quality**

15 Exhibit: Accusation.
16 03573160-SD95AD0067

17 cai:\d:\mok.sti.2/9/96

Attorneys for Complainant

In the Matter of the Accusation
Against:

Martin Saiwong Mok, M.D.
P.O. Box 2096
Arcadia, California 91077

Physician's and Surgeon's
Certificate No. A23360

Respondent.

PARTIES

Certificate Status

1.

1 Martin Saiwong Mok, M.D. ("respondent"), and at all times
2 relevant herein, said Physician's and Surgeon's Certificate was,
3 and currently is, in full force and effect.

4 JURISDICTION

5 3. This Accusation is made in reference to the
6 following statutes of the California Business and Professions
7 Code ("Code"):

8 A. Section 2227 provides that the Board may
9 revoke, suspend for a period not to exceed one year, or
10 place on probation, the certificate of any licensee who has
11 been found guilty under the Medical Practice Act.

12 B. Section 2234 provides that unprofessional
13 conduct includes, but is not limited to, the following:

14 "(b) Gross negligence.

15 "(c) Repeated negligent acts.

16 "(d) Incompetence."

17 COSTS

18 4. Section 125.3 of the Business and Professions Code
19 provides that in any order issued in resolution of a disciplinary
20 proceeding before any board within the department, the board may
21 request the administrative law judge to direct a licensee found
22 to have committed a violation or violations of the licensing act
23 to pay a sum not to exceed the reasonable costs of the
24 investigation and enforcement of the case.

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CHARGES AND ALLEGATIONS

5. Background Information:

A. This case originated from a Business and Professions Code section 805 report filed with the Board by the University of Southern California (USC) University Hospital. The 805 report stated that respondent's clinical privileges had been summarily restricted for twelve months following a medical staff investigation into respondent's patient management of two patients. The hospital required respondent's practice at the hospital to be directly supervised and monitored for twelve months.

6. Patient Robert B.:

A. On or about May 11, 1992, patient Robert B. was a 61-year-old chronic back pain patient. He was admitted to USC University Hospital for a scheduled refill of his Medtronic infusion pump with preservative-free Dilaudid by respondent.

B. Respondent had difficulty locating the refill site on the pump. An x-ray revealed a change in position of the pump.

C. The pump was aspirated to remove residual Dilaudid prior to the injection of a new Dilaudid solution. A larger amount of fluid than was expected was obtained through the needle. Eight milliliters of 10 mg. per ml. of Hydromorphone was then injected through the needle in what was believed to be the reservoir. The patient complained of pain. An additional 40 mg. of Lidocaine was administered

1 through the Huber needle. An intravenous infusion line was
2 established and Naloxone was administered intravenously.
3 Respondent administered Narcan to the patient and
4 transferred him to the Intensive Care Unit (ICU) in the care
5 of an associate. Respondent continued to see his other
6 patients.

7 E. In the ICU, the patient developed status
8 epilepticus progressing rapidly to shock, respiratory
9 depression, seizures, rhabdomyolysis, renal shutdown,
10 sepsis, coma and death later that day.

11 7. Respondent has subjected his license to
12 disciplinary action under California Business and Professions
13 Code sections 2220, 2227 and 2234 on the grounds of
14 unprofessional conduct, as defined by sections 2234(b), 2234(c)
15 and 2234(d) of the Code, in that he has committed gross
16 negligence, repeated negligent acts and incompetence in the
17 practice of his profession, as more particularly alleged
18 hereinafter:

19 A. Paragraphs 5 and 6, above, are incorporated
20 by reference and realleged as if fully set forth herein.

21 B. Respondent is guilty of gross negligence,
22 repeated negligent acts and incompetence in his care and
23 treatment of patient Robert B. Said acts include, but are
24 not limited to, the following:

25 (1) Respondent failed to refill the
26 patient's pump under fluoroscopic guidance when he had
27 some uncertainty as to the refill site;

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(2) Respondent failed to test the aspirated fluid for glucose prior to attempting the refill;

(3) Respondent failed to utilize a manufacturer provided template to access the pump;

(4) Respondent failed to perform a spot film of the procedure with or without contrast solution; and

(5) Respondent failed to stay with the patient during the remainder of the day and prepare for the eventual and inevitable development of seizures, shock and cardiovascular collapse from a massive overdose.

(6) Respondent continued to see his other patients when he knew he had injected a lethal dose of Dilaudid intrathecally to his patient Robert B.

PRAYER

WHEREFORE, complainant requests that the Board hold a hearing on the matters alleged herein, and that following said hearing, the Board issue a decision:

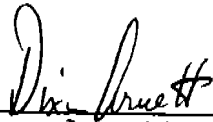
1. Revoking or suspending Physician's and Surgeon's Certificate Number A23360, heretofore issued to respondent Martin Saiwong Mok, M.D.;

2. Granting the board its costs in the investigation and prosecution of this case; and

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1 3. Taking such other and further action as the
2 Board deems appropriate to protect the public health,
3 safety and welfare.

4 DATED: May 15, 1995

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8 Dixon Arnett
9 Executive Director
10 Medical Board of California
11 Department of Consumer Affairs
12 State of California

13 Complainant

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